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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/606,028	06/25/2003	James C. Chong	SVL920040552US2	3949

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KONRAD RAYNES & VICTOR, LLP
315 S. BEVERLY DRIVE
210
BEVERLY HILLS, CA 90212

EXAMINER
NGUYEN, THANH T

ART UNIT	PAPER NUMBER
2144	

MAIL DATE	DELIVERY MODE
06/05/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

<table>
<tr><td rowspan="2">Office Action Summary</td><td>Application No.
10/606,028</td><td>Applicant(s)
CHONG ET AL.</td></tr>
<tr><td>Examiner
Tammy T. Nguyen</td><td>Art Unit
2144</td></tr>
</table>

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *(3)* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *25 June 2003*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-19,35-55,72-75 and 80* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) _____ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☒ Claim(s) *1-19,35-55,72-75 and 80* are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

       1.☐ Certified copies of the priority documents have been received.

       2.☐ Certified copies of the priority documents have been received in Application No. _____.

       3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date *3/10/06, 3/14/06*.

4)☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

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Detailed Office Action

1.   This action is in response to most recent papers received.

2.   Claims 1-19, 35-55, 72-75, and 80 have been examined.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35

U.S.C. 102 that form the basis for the rejections under this section made in this Office

action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act

of 1999 (AIPA) and the Intellectual Property and High Technology Technical

Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting

directly or indirectly from an international application filed before November 29, 2000.

Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior

to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4.   Claims 1-19, 36-55, 72-75, and 80 are rejected under 35 U.S.C. 102(e) as

being anticipated by James D. Flavin, Publication No. US 2002/0038331 A1 (herein

referred to as "Flavin").

5.   As to claim 1, Flavin discloses the invention substantially as claimed,

Flavin discloses a method for monitoring the performance of applications running on a

plurality of servers in a distributed computing environment, comprising the steps of:

receiving from a user selected information for monitoring [see page 8, paragraph 0088]

(*the web page includes a link for each application that the user may select*), monitoring

application performance in accordance with the selected information, and making

monitored performance information available to the user in accordance with the selected

information [see page 8, paragraph 0093] (*monitoring processes frequently monitor*

performance criteria of application servers).

6.   As to claim 2, Flavin discloses the invention as claimed, wherein the user

is prompted to identify a scope of information to be monitored, and wherein application

server performance is monitored in accordance with the selected scope [see page 7,

paragraph 0079].

7.   As to claim 3, Flavin discloses the invention as claimed, wherein said

scope comprises a first monitoring level wherein the selected information comprises

request level data and server level data [see page 8, paragraph 0091] (ranked by

performance score).

8.   As to claim 4, Flavin discloses the invention as claimed,wherein said

scope further comprises a second monitoring level wherein the selected information

further comprises API level data [see page 1, paragraph 0071].

9.   As to claim 5, Flavin discloses the invention as claimed, wherein said

scope further comprises a third monitoring level, wherein the selected information further comprises method level data [see page 8, paragraph 0091] (ranked by performance score).

10.   As to claim 6, Flavin discloses the invention as claimed, wherein the user is prompted to identify a schedule for monitoring of information, and wherein application server performance is monitored in accordance with the identified schedule [see page 7, paragraph 0072].

11.   As to claim 7, Flavin discloses the invention substantially as claimed, Flavin discloses including a method for monitoring the performance of applications running on a plurality of servers in a distributed computing environment, comprising the steps of prompting a user to select a server or server group, a resource, and a threshold or condition for notification, comparing the value or quality of a parameter to the threshold or condition, and, if the parameter reaches the threshold or condition, logging information concerning the parameter [see page, paragraph 0048, 0054-0057].

12.   As to claim 8, Flavin discloses the invention as claimed, further comprising the step of comparing the parameter to criteria for notifying a user, and notifying a user if the criteria are met [see page 8, paragraph 0091].

13.   As to claim 9, Flavin discloses the invention as claimed, wherein the threshold or condition is a value of a resource [see page 7, paragraph 0078].

14.   As to claim 10, Flavin discloses the invention as claimed, wherein the resource is a property of a method [see page 7, paragraph 0078].

15.   As to claim 11, Flavin discloses the invention as claimed, wherein the resource is CPU time [see page 7, paragraph 0085].

16.   As to claim 12, Flavin discloses the invention as claimed, wherein the threshold or condition is a number of hits [see page 5, paragraph 0059].

17.   As to claim 13, Flavin discloses the invention as claimed, wherein the resource is a request, and the condition is a string contained in the request [see page 5, paragraph 0060].

18.   As to claim 14, Flavin discloses the invention as claimed, wherein the resource relates to application server performance, and the condition is percentage of CPU time [see page 7, paragraph 0085].

19.   As to claim 15, Flavin discloses the invention substantially as claimed, Flavin discloses including a method for monitoring the performance of applications running on a plurality of servers in a distributed computer system, comprising the steps of providing the user with performance information, receiving from the user a request for more specific performance information, and providing more detailed performance information [see page 8, paragraph 0093] (*monitoring processes frequently monitor performance criteria of application servers*).

20.   As to claim 16, Flavin discloses the invention as claimed, further comprising the step of providing the user a selection of request analysis, method analysis, SQL analysis, server availability analysis, and application server analysis, and receiving a selection from the user [see page 6, paragraph 0074].

21.   As to claim 17, Flavin discloses the invention as claimed, further comprising the step of providing a trend analysis in accordance with the received selection [see page 6, paragraph 0074].

22.   As to claim 18, Flavin discloses the invention as claimed, further

comprising the step of receiving a request for a decomposition report on a portion of the

trend analysis, and providing a decomposition report [see page 6, paragraph 0070].

23.   As to claim 19, Flavin discloses the invention substantially as claimed,

further comprising the steps of receiving a request for a detail report on portion of the

decomposition report, and providing a detail report [see page 7, paragraph 0081].

24.   As to claim 36, Flavin discloses the invention substantially as claimed,

Flavin discloses including a method for monitoring of performance of applications in a

distributed environment, comprising the steps of providing, in a system running at least

one application, a management application having various components for monitoring

and management, and monitoring and providing to a user in real-time information

concerning configuration of the components and the relationships between the

components [see page 7, paragraph 0085, 0087].

25.   As to claim 37, Flavin discloses the invention substantially as claimed,

Flavin discloses including a system for monitoring the performance of applications

running on a plurality of servers in a distributed computing environment, comprising

means for monitoring application performance in accordance with the selected

information received from a user [see page 8, paragraph 0088] (*the web page includes a*

link for each application that the user may select), and means for making monitored

performance information available to the user in accordance with the selected

information [see page 8, paragraph 0093] (*monitoring processes frequently monitor*

performance criteria of application servers).

26.   As to claim 38, Flavin discloses the invention as claimed, further

comprising means for prompting a user to identify a scope of information to be

monitored, and means for monitoring application server performance in accordance with the selected scope [see page 7, paragraph 0079].

27.   As to claim 39, Flavin discloses the invention as claimed, wherein said scope comprises a first monitoring level wherein the selected information comprises request level data and server level data [see page 8, paragraph 0091] (ranked by performance score).

28.   As to claim 40, Flavin discloses the invention as claimed, wherein said scope further comprises a second monitoring level wherein the selected information further comprises API level data [see page 1, paragraph 0071].

29.   As to claim 41, Flavin discloses the invention as claimed, wherein said scope further comprises a third monitoring level, wherein the selected information further comprises method level data [see page 8, paragraph 0091] (ranked by performance score).

30.   As to claim 42, Flavin discloses the invention as claimed,further comprising means for monitoring applic ation server performance in accordance with an identified schedule received from a user [see page 1, paragraph 0010]

31.   As to claim 43, Flavin discloses the invention substantially as claimed, Flavin discloses including a system for monitoring the performance of applications running on a plurality of servers in a distributed computing environment, comprising means for prompting a user to select a server or server group, a resource, and a threshold or condition for notification, means for comparing a value or quality of a parameter on the selected server or server group to the selected threshold or condition, and, means for logging information concerning the selected parameter if the selected parameter reaches

the selected threshold or condition [see page, paragraph 0048, 0054-0057].

32.   As to claim 44, Flavin discloses the invention as claimed, further comprising means for comparing the parameter to criteria for notifying a user, and means for notifying a user if the criteria are met [see page 6, paragraph 0072]

33.   As to claim 45, Flavin discloses the invention as claimed, wherein the threshold or condition is a value of a resource [see page 6, paragraph 0077].

34.   As to claim 46, Flavin discloses the invention as claimed, wherein the resource is a property of a method [see page 7, paragraph 0083].

35.   As to claim 47, Flavin discloses the invention as claimed, wherein the resource is CPU time [see page 7, paragraph 0085].

36.   As to claim 48, Flavin discloses the invention as claimed, wherein the threshold or condition is a number of hits [see page 5, paragraph 0059].

37.   As to claim 49, Flavin discloses the invention as claimed, wherein the resource is a request, and the condition is a string contained in the request [see page 5, paragraph 0060].

38.   As to claim 50, Flavin discloses the invention as claimed, wherein the resource relates to application server performance, and the condition is percentage of CPU time [see page 7, paragraph 0085].

39.   As to claim 51, Flavin discloses the invention substantially as claimed, Flavin discloses including a system for monitoring the performance of applications running on a plurality of servers in a distributed computer system, comprising means for providing the user with performance information, and means for providing more detailed performance information in response to a user request for more detailed performance

information [see page 8, paragraph 0093] (*monitoring processes frequently monitor performance criteria of application servers*).

40.   As to claim 52, Flavin discloses the invention as claimed, further comprising the step of providing the user a selection of request analysis, method analysis, SQL analysis, server availability analysis, and application server analysis, and receiving a selection from the user [see page 6, paragraph 0074].

41.   As to claim 53, Flavin discloses the invention as claimed, further comprising the step of providing a trend analysis in accordance with the received selection [see page 6, paragraph 0074].

42.   As to claim 54, Flavin discloses the invention as claimed, further comprising the step of receiving a request for a decomposition report on a portion of the trend analysis, and providing a decomposition report [see page 6, paragraph 0070].

43.   As to claim 55, Flavin discloses the invention substantially as claimed, further comprising the steps of receiving a request for a detail report on portion of the decomposition report, and providing a detail report [see page 7, paragraph 0081].

44.   As to claims 72, and 80, Flavin discloses the invention substantially as claimed, Flavin discloses including a method for monitoring of performance of applications in a distributed environment, comprising the steps of providing, in a system running at least one application, a management application having various components for monitoring and management, and monitoring and providing to a user in real-time information concerning configuration of the components and the relationships between the components [see page 7, paragraph 0085, 0087].

45.   As to claim 73, Flavin discloses the invention substantially as claimed,

Flavin discloses including a system for monitoring the performance of applications

running on a plurality of servers in a distributed computing environment, comprising

means for monitoring application performance in accordance with the selected

information received from a user [see page 8, paragraph 0088] (*the web page includes a*

link for each application that the user may select), and means for making monitored

performance information available to the user in accordance with the selected

information [see page 8, paragraph 0093] (*monitoring processes frequently monitor*

performance criteria of application servers).

46.   As to claim 74, Flavin discloses the invention substantially as claimed,

Flavin discloses including a method for monitoring the performance of applications

running on a plurality of servers in a distributed computing environment, comprising the

steps of prompting a user to select a server or server group, a resource, and a threshold or

condition for notification, comparing the value or quality of a parameter to the threshold

or condition, and, if the parameter reaches the threshold or condition, logging information

concerning the parameter [see page, paragraph 0048, 0054-0057].

47.   As to claim 75, Flavin discloses the invention substantially as claimed,

Flavin discloses including a system for monitoring the performance of applications

running on a plurality of servers in a distributed computer system, comprising means for

providing the user with performance information, and means for providing more detailed

performance information in response to a user request for more detailed performance

information [see page 8, paragraph 0093] (*monitoring processes frequently monitor*

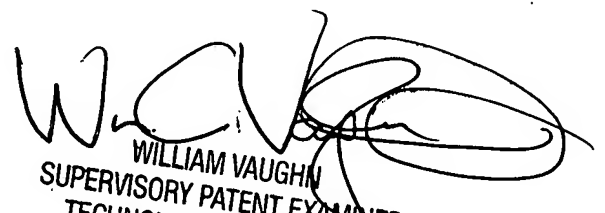*performance criteria of application servers*).

Conclusion

48.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tammy T. Nguyen whose telephone number is 571-272-3929. The examiner can normally be reached on Monday - Friday 8:30 - 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, *William Vaughn* can be reached on 571-272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

May 28, 2007

WILLIAM VAUGHN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100